

REMARKS

This Response is submitted in reply to the Office Action dated July 25, 2008. Applicant has amended claims 42, 46, 51, and 55. Claims 60 to 63 have been newly added. Claims 48 to 50 and 57 to 59 stand withdrawn. Claims 45 and 54 stand cancelled. No new matter has been added by any of these amendments as described below. Please charge deposit account number 02-1818 for all fees due in connection with this Response.

The Office Action objected to claims 55 and 56 for being dependent on cancelled claim 54. Claims 55 and 56 were amended to be dependent on claim 51 in the Response to Office Action dated May 27, 2008. Applicant submits that this objection is improper and should be withdrawn.

The Office Action rejected claims 42 to 44, 46, 47, 51 to 53, 55, and 56 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,077,163 to Walker et al. ("Walker"). Applicant respectfully disagrees with such rejection for the reasons set forth in the Response to Office Action dated May 27, 2008. Nonetheless, to expedite prosecution, Applicant has amended claims 42 and 51 for clarification, as set forth below.

Amended independent claim 42 recites, among other elements, "... (e) tracking a balance, the balance being based on the value total minus the deducted fees; (f) adding the value of any received award to the balance; (g) as long as the balance remains above a level, continuing to perform steps (b) through (f) until a termination event occurs..."

Amended independent claim 51 recites, among other elements, "... (e) track a balance, the balance being based on the value total minus the deducted fees; (f) add the value of any received award to the balance; (g) as long as the balance remains above a level, continue to perform steps (b) through (f) until a termination event occurs..."

The specification supports such amendments. For example, the specification states that "[t]he value awarded may be added to the value total as block 170." See page 13, lines 15 to 25 and Fig. 4B.

Walker discloses:

a method and apparatus for operating a gaming device having a flat rate play session costing a flat rate price. The flat rate play session spans multiple plays on the gaming device over a pre-established duration. The gaming device identifies price parameters and determines the flat rate price of playing the gaming device based on those price parameters. In one embodiment, identifying price parameters includes receiving player selected price parameters. In another embodiment, price parameters further incorporate operator selected price parameters. Should the player decide to pay the flat rate price, the player simply deposits the necessary funds into the gaming device or makes a credit account available for the gaming device to debit. Once the player initiates play, the gaming device tracks the duration remaining in the flat rate play session and stops the play when the given period has elapsed. During the play, payouts are made either directly to the player in the form of coins or indirectly in the form of credits to the player's credit account. (Abstract).

Applicant submits that Walker does not anticipate or render obvious the foregoing elements of such claims. In Walker, the gaming device provides the player with a flat rate play session. Unlike the claimed subject matter, Walker's flat rate play session ends regardless of any awards the player wins during the play of a game. Specifically, column 12, lines 54 to 60 of Walker discloses that:

[i]n the event the countdown has reached zero, the CPU 210 generates a signal indicating that the flat rate play session has concluded. The slot machine 102 displays a message indicating this to the player and, in step 922, stores the end time of the session in the time audit field 518 of the flat rate database.

For example, if a flat rate play session of the gaming device of Walker costs \$30 to play for thirty minutes, the gaming device tracks the play session and stops the game play when the thirty minutes expires. Winnings do not extend the thirty minute session. In another example, if a flat rate play session of the gaming device of Walker costs \$20 for eighty handle pulls on a slot machine, the gaming device tracks the number of times the player pulls the handle during the play session and stops the game play when the player reaches eighty handle pulls of the slot machine. Winnings do not result in additional handle pulls. In other words, the gaming device of Walker does not enable the player to extend or continue game play based on winnings obtained during game play.

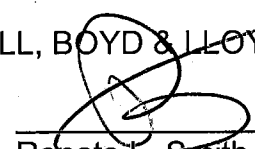
For at least these reasons, Applicant submits that amended independent claims 42 and 51 (and their dependent claims) are patentably distinguished over Walker and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and such allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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